

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1990



ENROLLED

Committee Substitute for
SENATE BILL NO. 441

(By Senator *Brackmire, et al*)



PASSED March 10, 1990

In Effect from Passage

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 441

(BY SENATORS BRACKENRICH, HOLLIDAY AND RUNDLE,
original sponsors)

[Passed March 10, 1990; in effect from passage.]

AN ACT to establish the Fayette County New River Gorge Bridge Day Commission to sanction and coordinate activities associated with the annual bridge day at the New River Gorge Bridge in Fayette County, to authorize the commission to license vendors and otherwise oversee bridge day activities, to require the promulgation of rules and regulations by the department of highways respecting the closing of certain highways during bridge day activities, and to limit the liability of the state and its political subdivisions respecting such activities.

Be it enacted by the Legislature of West Virginia:

FAYETTE COUNTY NEW RIVER GORGE BRIDGE DAY COMMISSION.

§1. Bridge day commission created; terms of members; vacancies.

- 1 (a) The Fayette County New River Gorge Bridge
- 2 Day Commission is hereby created, which bridge day
- 3 commission shall consist of six members who shall

4 serve without compensation. The members shall be
5 appointed by the county commission of Fayette
6 County with one member representing each of the
7 following: The county commission of Fayette County,
8 the Fayette County chamber of commerce, the town of
9 Fayetteville, the sheriff of Fayette County, the secre-
10 tary of the department of transportation and the
11 secretary of the department of public safety.

12 (b) The terms of office for the bridge day commis-
13 sion members first appointed shall be two years for
14 two members, four years for two members and six
15 years for two members, and the successor of each
16 appointed member shall be appointed for a term of six
17 years in the same manner as the original appoint-
18 ments were made, except that any person appointed
19 by the county commission to fill a vacancy occurring
20 prior to the expiration of the term for which his or her
21 predecessor was appointed shall be appointed only for
22 the remainder of such term. Each bridge day commis-
23 sion member shall serve until the appointment of his
24 or her successor.

**§2. Office space and staff support; officers; meeting;
reimbursement for expenses.**

1 (a) The county commission of Fayette County shall
2 supply the bridge day commission with such office
3 space and staff support as may be necessary for the
4 efficient conduct of the business of the bridge day
5 commission.

6 (b) The county commission of Fayette County shall
7 appoint a chairman of the bridge day commission. The
8 bridge day commission shall then elect such other
9 officers as it deems appropriate for the conduct of its
10 business.

11 (c) The bridge day commission shall hold a regular
12 monthly meeting on the day of each month as a
13 majority of the members of the bridge day commission
14 shall designate. Special meetings may be convened on
15 the call of the chairman or a majority of the members.
16 A majority of the members of the bridge day commis-
17 sion shall constitute a quorum for the conduct of

18 business and a majority of the members present at a
19 meeting shall be required to determine any issues
20 brought before it.

21 (d) Each member of the bridge day commission shall
22 be reimbursed for all reasonable and necessary
23 expenses actually incurred in the performance of his
24 or her duties as a member of the commission. Requi-
25 sition for such expenses shall be accompanied by a
26 sworn and itemized statement which shall be filed
27 with the county commission.

**§3. Commission powers; rules and regulations promulgated
by the county commission.**

1 (a) The bridge day commission shall be and is
2 hereby designated as the official public body to
3 sanction and coordinate all bridge day activities in
4 accordance with the rules and regulations promul-
5 gated by the county commission as hereinafter
6 provided.

7 (b) The county commission of Fayette County shall
8 promulgate rules and regulations governing the plan-
9 ning, implementation and oversight of bridge day
10 activities by the bridge day commission, which rules
11 and regulations shall include, but not necessarily be
12 limited to, provisions:

13 (1) Designated the third Saturday in October of each
14 year, or any other day as may reasonably be recom-
15 mended by the bridge day commission, as Bridge Day
16 in Fayette County, which day shall be the official day
17 for activities on and associated with the New River
18 Gorge Bridge;

19 (2) Requiring the licensure of all vendors desiring to
20 conduct vending operations in conjunction with bridge
21 day activities and the payment of a licensure fee
22 therefore;

23 (3) Requiring the timely application and approval by
24 the bridge day commission of any activity or event in
25 which any person, firm, organization, corporation or
26 other entity desires to operate or participate in
27 conjunction with bridge day activities;

28 (4) Requiring the execution of a release of liability
29 by all persons who participate in any such event or
30 activity as set forth in subdivision (3) hereof;

31 (5) Authorizing the imposition of a civil penalty not
32 to exceed one thousand dollars or the denial of
33 participation in any bridge day activities, or both,
34 against any person, firm, organization, corporation, or
35 other entity who fails to obtain a vendor's license or
36 approval of an activity from the bridge day commis-
37 sion; and

38 (6) Providing for the maintenance and use of all
39 funds received by the bridge day commission, whether
40 received through private contributions, grants, dona-
41 tions, or licensing fees.

§4. Restriction on use of public highways.

1 The department of highways, in cooperation with
2 the bridge day commission, shall promulgate rules and
3 regulations governing the closure to motor vehicular
4 traffic of the New River Gorge Bridge, parts of United
5 States route nineteen and such other adjacent road-
6 ways as may be necessary for the proper and safe
7 implementation of bridge day activities.

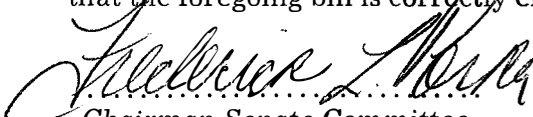
§5. Limitation of liability.

1 (a) The bridge day commission is hereby declared to
2 be a political subdivision within the intent and mean-
3 ing of section three, article twelve-a, chapter twenty-
4 nine of the code of West Virginia, one thousand nine
5 hundred thirty-one, as amended, and as such, is
6 subject to all the rights, privileges and immunities
7 afforded such political subdivisions under the provi-
8 sions of article twelve-a, chapter twenty-nine of said
9 code.

10 (b) Any person who desires to base jump, parachute,
11 rappel or otherwise participate in any similar activity
12 on bridge day shall, prior to participation in such
13 activity, execute a release of liability releasing the
14 bridge day commission, the state of West Virginia and
15 all of its political subdivisions from any liability
16 associated with such activity, and the bridge day

17 commission, the state of West Virginia and all other
18 political subdivisions thereof, shall be immune from
19 liability for any and all injuries suffered or damages
20 sustained by any person engaging in such activities,
21 notwithstanding that such release may not have been
22 duly executed.

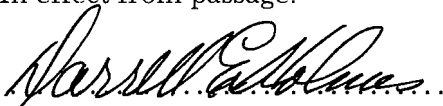
The Joint Committee on Enrolled Bills hereby certifies
that the foregoing bill is correctly enrolled.


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Chairman Senate Committee


..........
Chairman House Committee

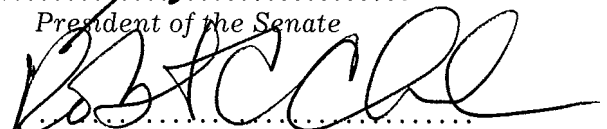
Originated in the Senate.

In effect from passage.


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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within ~~is~~ ^{is approved} this the 26th.....
day of March....., 1990.


.....
Governor

PRESENTED TO THE

GOVERNOR

Date

3/20/40

Time

10:29 am

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STATE OF NEW YORK